IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 24523 of 2007(T)

PETITIONER:

BINDU VARGHESE A,U.P.S.A ST.MARY'S HIGH SCHOOL,KANDANAD.(RESIDING AT ALAMBLASSERIL HOUSE,KANDANAD,ERNAKULAM DISTRICT)

BY ADV. SRI.P.I.DAVIS

RESPONDENTS:

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1. DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.

2. DISTRICT EDUCATIONAL OFFICER,ERNAKULAM.

3. THE MANAGER,ST.MARY'S HIGH SCHOOL, KANDANAD,ERNAKULAM DISTRICT.

BY ADV. SRI.K.J.KURIACHAN

GOVT.PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF APPOINTMENT ORDER.

EXT.P2: TRUE COPY OF ORDER DT. 30/5/2006.

EXT.P3: TRUE COPY OF ORDER DATED 6/1/2007.

EXT.P4: TRUE COPY OF APPEAL OF PETR.

A.K. Basheer, J.

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W.P(C) No. 24523 of 2007

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Dated this the 18th day of August, 2007.

J U D G M E N T

Petitioner is stated to be working as an Upper Primary School Assistant in St.Mary's High School, Kandanad under the management of respondent No.3. According to her, she was appointed in the school with effect from June 5, 2006 against a promotion vacancy. It is further contended by her that Fr.George Mattammel was the Manager of the school at that time. However approval for petitioner's appointment was rejected by the Controlling Officer on the ground that the then Manager was continuing in office on the strength of an interim order issued by this Court in RFA.363/2005. Curiously it was also noticed by the District Educational Officer that the Manager had passed away in October 2006.

2. Anyhow, I do not propose to deal with the issue any further, in view of the limited prayer made by the learned counsel for the petitioner at the Bar. He submits that petitioner has preferred Ext.P4 appeal against Ext.P3 order passed by the Controlling Officer. The only prayer is to issue a direction to the appellate authority to take a decision on the appeal expeditiously.

3. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P4 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment. It shall be ensured by

respondent No.1 that the petitioner and the Manager are afforded sufficient opportunity to be heard before any decision is taken in the matter.

4. Till such time a decision is taken in the appeal, status quo as on today shall be maintained.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. Basheer
Judge.

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